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1996

AMENDING ORDINANCE NO. 2

Butte County Solid Waste Disposal

AN ORDINANCE OF BUTTE COUNTY, IDAHO AMENDING PARAGRAPH I. OF BUTTE COUNTY ORDINANCE NO. 3-90 PASSED NOVEMBER 13, 1990, TO ADD TIRES TO THE DEFINITION OF SOLID WASTE; ADDING A NEW PARAGRAPH III. TO PROVIDE THAT TIRES ARE NOT TO BE ACCEPTED AT SOLID WASTE DISPOSAL SITES OR COLLECTION SITES; RENUMBERING THE SUBSEQUENT PARAGRAPHS; AMENDING THE RENUMBERED PARAGRAPH VII. TO INSERT A PHRASE LEFT OUT OF THE ORIGINAL ORDINANCE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Butte County, Idaho:

I. General Statements:

1. Declaration of Policy and Purposes:
It is the purpose of this ordinance to institute within the County of Butte an orderly solid waste disposal system, and to provide for the protection of public health, environmental quality, public safety and welfare.

2. Definitions:

2.1 System means lands, sites, facilities, equipment and manpower necessary for storage, treatment, processing, reuse, recycling, or other means necessary for the disposal of solid waste.

2.2 Solid Waste means all solid material that is considered to be useless, unwanted or discarded by any person in possession of it. This includes but is not restricted to garbage, trash, rubbish, dead animals, tires, and construction waste.

2.3 Disposal means the act or process of final placement, distribution or arrangement in an orderly manner of solid waste so as to deal with it conclusively in compliance with Idaho Code and rules and regulations relating to solid waste.

2.4 User means a) All commercial and public establishments in Butte County, Idaho, including but not limited to motels, hotels, resorts, automobile repair garages, churches, schools, office buildings, recreational vehicle parks, restaurants, campgrounds,

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bars, taverns, grocery stores, gas stations, retail stores, beauty shops, barber shops, hospitals, laundry and drycleaning establishments; b) All private residences; and c) Public agencies or governmental entities, e.g., U.S. Forest Service, Bureau of Land Management, Fish and Game, National Park Service, ASCS, FmHA and Soil Conservation Service, and others.

2.5 Collection Site means a designated point, which may be either a disposal site or a dumpster or other means of temporarily containing and transporting solid waste.

3. Designated Disposal and/or Collection Sites are:

3.1 Disposal Sites. The principal disposal site shall be the site previously known as the Arco Sanitary Landfill located Northwest of the City of Arco. Other disposal sites may be designated in the future by resolution of the Board of County Commissioners.

3.2 Collection Sites. Collection sites will be selected as soon as practicably possible, and confirmed by a resolution of the Board of County Commissioners, and their location published in a newspaper of general circulation within the County; collection sites will be established at various geographic locations within the County, including but not limited to Howe area. Any or all of these sites may be designated by resolution of the Board of County Commissioners as disposal sites. PROVIDED THAT: Nothing in this subsection shall prevent the Board of County Commissioners from altering, adding to, or deleting from the above list of designated collection sites, by resolution in open meeting.

II. DISPOSAL AT DESIGNATED SITES IN COMPLIANCE WITH RULES AND REGULATIONS OF DEPARTMENT OF HEALTH AND WELFARE REQUIRED. All disposal of solid waste shall be at designated disposal sites, and shall be done in such a manner as to comply with rules and regulations promulgated and adopted by the State Board of Health and Welfare. It shall be a violation of this Ordinance for any person, except at a designated disposal site, to throw away, dump, or discard any type or nature of solid waste on any public lands, rights of way of any kind, or private land of another.

III. TIRES NOT TO BE ACCEPTED AT SOLID WASTE DISPOSAL SITES OR COLLECTION SITES. Tires shall not be accepted at any Butte County solid waste disposal site or collection site. It shall be a violation of this Ordinance for any person to throw away, dump, or discard any tires at any Butte County solid waste disposal site or collection site. Tires shall be taken to a tire dealership for disposal.

IV. COLLECTION OF FEES FROM USERS TO FUND OPERATION; FEES SET BY ANNUAL RESOLUTION. All users of the designated solid waste disposal sites shall be assessed an annual fee which fees shall be set by Resolution of the Board of County Commissioners. Beginning with fiscal year 1990-1991, and subsequent years, the County Commissioners shall set the fees by Resolution at their annual budget meeting, and said fees shall be a special assessment levied and assessed on the real property served, and billed with the tax notices on said properties, and due as set out in said same manner as collection of ad valorem taxes, and shall become a lien on the property assessed. Any person assessed under this Ordinance shall have the right to appear before the Board of County Commissioners at its regular December meeting, to protest and/or request adjustment of said assessment; this protest appearance shall be conducted according to the rules set forth in the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

V. EXEMPTIONS. There shall be exempted from this Ordinance property located in the part of Butte County known as Idaho National Engineering Laboratory.

VI. ADMINISTRATION:

1. Responsible Agency: Butte County, Idaho.

2. Functions and Power:

2.1 As defined under Idaho Code Section 31-4401 through Section 31-4411.

2.2 To establish an orderly solid waste disposal system and to establish the necessary fees and policies to adequately administer said system.

VII. VIOLATIONS PUNISHABLE AS MISDEMEANOR AND BY CIVIL PENALTIES. Violations of the terms of this Ordinance, including non-payment of fees assessed, is hereby declared to be a Misdemeanor punishable by a fine of not to exceed THREE HUNDRED DOLLARS ($300.00) and/or imprisonment in the County Jail for a period not to exceed SIX (6) MONTHS. IN ADDITION to the criminal penalties, any person convicted of disposing of solid waste at a place other than a designated solid waste disposal site shall be assessed civil damages in an amount of three (3) times the actual damage, to be used to restore the lands to their original state; and any remainder of damages collected after restoration shall be used for maintenance and operation of the solid waste disposal system.

VIII. EFFECTIVE DATE. This Ordinance shall be in full force and effect on and after its passage, approval and publication according to law.

PASSED AND APPROVED by the Board of Commissioners of Butte County, Idaho this 12 day of February, 1996, an Emergency existing therefor, three readings have been waived.

SIGNED by the Chairman of the Board of Commissioners of Butte County, Idaho this 12 day of February, 1996.

BUTTE COUNTY IDAHO
Board of County Commissioners

By: _____
SETH E. BEAL, Chairman

ATTEST:

_____
JUDITH R. BAILEY, Clerk
Butte County Board
of Commissioners

AFFIDAVIT OF PUBLICATION

I Colleen Babcock

of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof,

for 1 consecutive weeks, commencing with the issue dated FEB. 22, 1996

and ending with the issue dated

Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 29th day of February

in the year of 1996 before me, a Notary Public,

personally appeared

Colleen Babcock

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same

Thomas D. [illegible]

Notary Public for Idaho

Residing at Arco, Id

My commission expires: 12-30-97

AMENDING ORDINANCE NO. 1996-2

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I. General Statements:

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2. Definitions:

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2.3 DISPOSAL means the act or process of final placement, distribution or arrangement in an orderly manner of solid waste so as to deal with it conclusively in compliance with IDAHO CODE and rules and regulations relating to solid waste.

2.4 USER means a) All commercial and public establishments in Butte County, Idaho, including but not limited to motels, hotels, resorts, automobile repair garages, churches, schools, office buildings, recreational vehicle parks, restaurants, campgrounds, bars, taverns, grocery stores, gas stations, retail stores, beauty shops, barber shops, hospitals, laundry and drycleaning establishments; b) All private residences; and c) Public agencies or governmental entities, e.g., U.S. Forest Service, Bureau of Land Management, Fish and Game, National Park Service, ASCS, FmHA and Soil Conservation Service, and others.

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SIGNED by the Chairman of the Board of Commissioners of Butte County, Idaho this 12 day of February, 1996.

BUTTE COUNTY IDAHO
Board of County Commissioners
By: Seth E. Beal, Chairman
ATTEST: Judith R. Bailey, Clerk
Butte County Board of Commissioners